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EXAMINER
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WEBER, CHRISTOPHER STEVEN

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/939,233  
Filing Date: August 24, 2001  
Appellant(s): FRANKULIN ET AL.

**MAILED**  
**MAY 10 2007**  
**GROUP 3700**

\_\_\_\_\_  
Townsend and Townsend and Crew  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed June 27, 2005 appealing from the Office action mailed December 2, 2003.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The following is the grounds of rejection as contained in the final office action.

The rejection is maintained and incorporated herein for the convenience of the board.

Claims 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al (6,508,710) in view of Seheidt et al (5,787,173).

Regarding claim 1, Paravia teaches a gambling system employing a location verifier system for verifying that a user is located within a predefined geographical area, after which the user is allowed to place a wager on a sports book, the system comprising a transmitting system having one or more transmitters; a control system for receiving a signal requesting remote access to a betting system and the transmitting of an authorization number {a password-#1142, Fig. 13} (abstract; Fig. 14 and Fig. 15). While Paravia teaches the use of various techniques for granting the user access to the sports wagering game (col. 2, lines 11-12), Paravia is silent regarding the feature of receiving and transmitting a verification number to and from the user in order to allow play. As indicated in the initial office action, this feature is known in cryptographic verification systems as a handshaking process. In an analogous system of verification of user identity, Seheidt teaches a handshaking system in which there is transmission and reception of verification information {cryptographic key data} from a remote site to a user and back from a user (abstract; Fig. 1). It would have been obvious to a person of ordinary skill in the art at the time of the invention to enhance the verification/authorization system of Paravia, by sending and receiving the password

verification number of Paravia in a handshaking manner, as disclosed by Seheidt, in order to make gaming more secure.

Claims 2-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paravia et al (6,508,710) in view of Seheidt et al (5,787,173), further in view of Wicks or LaDue (5,999,808).

Regarding claims 2-17, Paravia and Seheidt teach all the limitations of the claims as disclosed above. The references lack an explicit disclosure of a pager for wagering, in an analogous wagering system, Wicks or LaDue teach the use of a pager for placing wagers (Wicks- abstract; Fig. 2; LaDue- abstract; Fig. 9). It would have been obvious to a person of ordinary skill in the art to enhance Paravia and Seheidt by utilizing a pager for the wagering device, in order to make the system easier to play from various locations and easier to transport.

#### **(10) Response to Argument**

Group A: Claim 1.

Applicant argues that specifically that neither Pavaria et al. US Patent 6,508,710 (hereinafter Pavaria) or Seheidt et al. US Patent 5,787,173 (Hereinafter Seheidt) disclose that a user only receives a verification number if the user is in a predetermined geographic location. Pavaria discloses in Figure 10 Item 1100 a location verification module; in Figure 11 Steps 1124 and 1126 a step analyzing players geographic location; and Col 18 beginning with line 8 discloses the desire to limit a player by geographic location in order to comply with casino rules and other laws. Applicant also

argues that Seheidt does not disclose the authentication system. Seheidt discloses at least in Col 2 Lines 13-38 A system where an authentication key is sent to a user (via courier or other service, the user receives the key and then send it back with the encrypted message. The split key method disclosed would also work. The key is composed of two numbers only during the generation portion. Once the key is made the same key or authentication number would be sent until the connection is broken. Applicant also argues that there is no motivation to combine the teachings of Seheidt and Pavaria. Pavaria discloses at Col 20 Lines 30-34 that a player enters a password for security. Seheidt discloses at Col 1 Lines 31-44 that this invention is specifically to improve security in addition to a password.

Group B: Claims 2-17.

Applicant argues that the combination of Pavaria and Seheidt is insufficient even if combined with LaDue. The combination of Pavaria and Seheidt has been discussed above. LaDue discloses a wireless gaming method that allows gambling, Col 2 Line 45, as well as location paging, Col 2 Line 46. LaDue specifically discloses that these pagers are capable of tracking a players location, Col 10 Line 54. LaDue also discloses that this is a portable communications system and that security is implemented with authorization numbers, Col 11 Line 15 and Lines 46-47. Pavaria teaches the advantages of allowing players to participate remotely with their own communication

Art Unit: 3714


system, personal computer, and combining with Seheidt and LaDue will add further remote options and security options to insure customer satisfaction and safety, and compliance with laws.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Christopher S. Weber

Conferees:

Robert Pezzuto



Scot Jones

